

## **REMARKS**

Claims 1-18 were presented and examined. In response to the Office Action, Claims 1 and 10 are amended and Claims 3 and 12 are cancelled. No claims are added. Claims 1, 2, 4-11 and 13-18 remain in the application.

### **Rejections of the Claims under 35 U.S.C. § 103**

A. Claims 1-4 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bormans, et al., “*MPEG-21 Overview v.4*” (“Bormans”) in view of Trivi, et al., “*Rendering MPEG-4 AABIFS Content Through a Low-Level Cross-Platform 3D audio API*,” (“Trivi”) and U.S. Publication No. 2002/013812 of Krueger et al. (“Krueger”).

Applicants amend independent Claims 1 and 10 to include the limitations of “wherein the impulse response preference information is provided by an element of an extensible Markup Language (XML) schema, the element including a Uniform Resource Identifier (URI) address from which data of the impulse response is obtained.” Amended Claims 1 and 10 incorporate all of the limitations of Claims 3 and 12, respectively, and other patentable features. Support for the amendment can be found, for example, at page 14, lines 25-30 and page 15, line 28 – page 16, line 4 of the application. Claims 3 and 12 are cancelled. Applicants respectfully submit that the cited references do not teach or suggest these limitations.

The Examiner indicated that Bormans discloses the use of URIs as identifiers for digital items and their parts. An example of a digital item is a web page (section 5 of Bormans). Thus, according to Bormans, a web page or a part thereof can be identified by a URI. However, Bormans does not disclose that “the impulse response preference information is provided by an element of an extensible Markup Language (XML) schema, the element including a Uniform Resource Identifier (URI) address from which data of the impulse response is obtained.” Rather, Bormans discloses a framework for delivering and representing multimedia content, without any indication as to how to obtain the impulse response data. Identifying a digital item with a URI is different from obtaining impulse response data from a URI address included in an element of a XML schema.

Trivi and Krueger do not supply the amended elements. Trivi is relied on for disclosing the use of an impulse response for audio adaptation. Krueger is relied on for disclosing sampling frequency preference information, bits per sample preference information, and number of

channels preference information of the impulse response. However, these references do not disclose that information of the impulse response is provided by an element of an XML schema, and that the element includes a URL address from which data of the impulse response is obtained, as recited in amended Claims 1 and 10.

Further, the Examiner has not clearly articulated any basis for combining the cited references. To establish a *prima facie* case of obviousness, the Examiner must set forth “some articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See, *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007). Bormans discloses a framework for multimedia content delivery and representation. There is no indication in the cited references that the same framework can be used to adapt an audio signal to a usage environment. The Examiner asserts that Trivi and Krueger disclose audio adaptation, but provide no articulated reasoning as to how an impulse response can be integrated into the framework of Bormans to achieve audio adaptation.

Thus, for at least the reasons mentioned above, Claims 1 and 10, as well as their respective dependent claims, are non-obvious over the cited references. Accordingly, withdrawal of the rejection of Claims 1-4 and 10-13 is requested.

B. Claims 5-9 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bormans, Trivi, and Krueger in view of Vaananen, et al. “*Synthetic Audio Tools in MPEG-4 Standard*,” (“Vaananen”).

Claims 5-9 and 14-18 depend from Claims 1 and 10, respectively. Thus, Bormans, Trivi, and Krueger do not teach or suggest each of the elements of these claims for at least the reasons mentioned above.

Vaananen is relied on for disclosing perceptual parameters. However, Vaananen does not supply the missing elements in Bormans, Trivi, and Krueger regarding the recited elements of “wherein the impulse response preference information further includes sampling frequency preference information, bits per sample preference information, and number of channels preference information of the impulse response.”

Thus, Claims 1 and 10, as well as their respective dependent claims, namely, Claims 5-9 and 14-18 are non-obvious over the cited references. Accordingly, withdrawal of the rejection of Claims 5-9 and 14-18 is requested.

### CONCLUSION

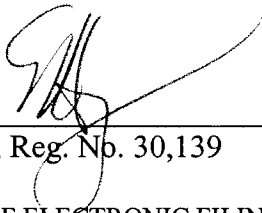
In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

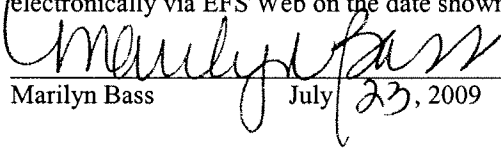
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 22, 2009

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

  
\_\_\_\_\_  
Eric S. Hyman, Reg. No. 30,139

CERTIFICATE OF ELECTRONIC FILING  
I hereby certify that this correspondence is being submitted  
electronically via EFS Web on the date shown below.

  
\_\_\_\_\_  
Marilyn Bass

July 23, 2009